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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Tomoko MATSUDAI, et al.

SERIAL NO: 10/724,825

GROUP: 2822

FILED: December 2, 2003

EXAMINER:

FOR: INSULATED GATE SEMICONDUCTOR DEVICE

LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a People's Republic of China Office Action for the Examiner's consideration. The reference cited therein has been previously filed on December 2, 2003.

Respectfully Submitted,

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THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: Receiving Department of The PRC Patent Office
6 Xitucheng Road, Haidian, Beijing

Postal Code: 100088

Applicant	KABUSHIKI KAISHA TOSHIBA	Date of Issue: 2004. 3.12
Patent Agent	Jianfeng Huang	
Filing No. of Patent Appln.	02146830.3	
Title of Invention	絶縁ゲート型半導体装置	

FIRST NOTIFICATION OF OFFICE ACTION

1. ☒ In accordance with the Request for substantive examination, the examiner has made the examination on the above cited patent application based on the provision in paragraph 1, Article 35 of the PRC Patent Law.
☐ The Patent Office itself has decided to make a substantive examination for the above cited patent application based on the provision in paragraph 2, Article 35 of the PRC Patent Law.
2. ☒ The applicant requested to designate the filing date of
 October 15, 2001 in the Patent Office of JP as the priority date;
 _____ in the Patent Office of _____ as the priority date;
 _____ in the Patent Office of _____ as the priority date;
 _____ in the Patent Office of _____ as the priority date;
 _____ in the Patent Office of _____ as the priority date;
☒ with the submission of certified copy of Priority Document(s).
☐ no certified copy of priority document has been received heretofore and, according to the provisions of Article 30 of the PRC Patent Law, it is deemed that no priority right has been requested.
☐ the present application is PCT application.
3. ☐ The applicant submitted the amended text on _____ and _____, after examination, in which
☐ said amended text is considered to be in conformity with the provisions of the PRC Patent Law ,
☐ the _____ of the amended text submitted on _____ is unacceptable;
☐ the _____ of the amended text submitted on _____ is unacceptable;
 the reason being that the above cited amendment
☐ is not in conformity with the provisions of Article 33 of the PRC Patent Law;
☐ is not in conformity with the provisions of Rule 51 of the Implementing Regulations of the PRC Patent Law.
The amendment is not accepted based on the reason in details shown by the attachment sheet .
4. ☒ Examination is made based on the original filing document.
☐ Examination is made based on the following documentations

the original filing documents submitted on the filing date: Claims____, page(s) _____ of the description, Page(s)_____ Figure(s) _____ of the accompanying drawings,
the document submitted on _____ Claims____, page(s) _____ of the description ,Page(s)_____ Figure(s) _____ of the accompanying drawings,
the document submitted on _____ Claims____, page(s)_____ of the description,Page(s)_____Figure(s) _____ of the accompanying drawings.
the Abstract submitted on_____.

5. ☐ The notification is made without conducting the search for the patentability.
☒ The notification is made under the search for the patentability.
☒ The following reference materials have been cited in this notification (their serial numbers will be referred to in the following procedure):

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	JP 11-274884A	1999.10.8
2		
3		
4		

6. The conclusion of the examination:

- ☒ In regard to the description:
☐ The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.
☐ The description is not in conformity with the provision of paragraph 3, Article 26 of PRC Patent Law.
☒ The presentation of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations of the PRC Patent Law.

☒ In regard to the Claims:

- ☐ Claims _____ can not be allowed beyond the scope of the protection based on the Article 25 of the PRC Patent Law.
☐ Claims _____ do not belong to the definition of invention based on the provision of paragraph 1, Rule 2 of the Implementing Regulations of the PRC Patent Law.
☐ Claims _____ can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of PRC Patent Law.
☐ Claims _____ can not be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of PRC Patent Law.
☐ Claims _____ can not be allowed owing to lack of practical applicability based on the provision of paragraph 4, Article 22 of PRC Patent Law.
☐ Claims _____ can not be allowed based on the provision of paragraph 4, Article 26 of PRC Patent Law.
☒ Claims 3,4,6 can not be allowed based on the provision of paragraph 1, Article 31 of PRC Patent Law.

- ☒ Claims 1 can not be allowed based on the provision of Rules 20 to 23 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims _____ can not be allowed based on the provision of Article 9 of PRC Patent Law.
- ☐ Claims _____ can not be allowed based on the provision of paragraph 1, Rule 12 of the Implementing Regulations of the PRC Patent Law.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, it is considered that

- ☐ the applicant should amend the application documents based on the request in the Attachment Sheet.
- ☒ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be conformity with the requirement, otherwise the application will be rejected.
- ☐ No subject matter in the application is accepted, said application will be rejected if the applicant does not make a statement or fail to make a statement.
- ☐ _____

8. The applicant is drawn attention to that

- (1) in accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within Four months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) the applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amended text shall be furnished in duplicate. The formality of the document should be in conformity with the relative provisions of the Guidebook for Examination.
- (3) the applicant and/or his attorney could not go to the PRC Patent Office to meet the examiner if no appointment is made.
- (4) any response and/or amended specification must be mailed or sent by hand to the Receiving Department of the PRC Patent Office. Any documents that are not sent to the Receiving Department do not have legal force.

9. The text of the notification embraces 1 page(s), along with the enclosures herein:

- ☒ 1 copy of the cited references are enclosed in pages of 23.

Examination Department No. _____ Name of Examiner _____ Stamp _____.

17 MAR 2004

中华人民共和国国家知识产权局

邮政编码: 100101 北京市金融大街 27 号投资广场 A 座 10 层 永新专利商标代理有限公司 黄剑锋		审查员签章		审查业务专用章
申请号	02146830.3	部门及通知书类型	9-C	
申请人	株式会社东芝			
发明名称	绝缘栅型半导体器件			

第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以其在:

_____ 日本 _____ 专利局的申请日 2001 年 10 月 15 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日,
 _____ 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 申请人于 _____ 年 _____ 月 _____ 日和 _____ 年 _____ 月 _____ 日提交了修改文件。

经审查, 其中: _____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;

_____ 年 _____ 月 _____ 日提交的 _____ 不能被接受;

因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件的:

申请日提交的原始申请文件的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;

_____ 年 _____ 月 _____ 日提交的权利要求第 _____ 项、说明书第 _____ 页、附图第 _____ 页;

_____ 年 _____ 月 _____ 日提交的说明书摘要, _____ 年 _____ 月 _____ 日提交的摘要附图。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
 2201 2001.7 (注: 凡寄给审查员个人的信函不具有法律效力)

编号	文 件 号 或 名 称	公开日期
1	JP 平 11-274484 A	1999 年 10 月 8 日
2		年 月 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☒关于说明书:

☐中请的内容属于专利法第 5 条规定的不予授予专利权范围。

☐说明书不符合专利法第 26 条第 3 款的规定。

☒说明书的撰写不符合实施细则第 18 条的规定。

☐说明书的撰写不符合实施细则第 19 条的规定。

☒关于权利要求书:

☐权利要求_____不具备专利法第 22 条第 2 款规定的新颖性。

☐权利要求_____不具备专利法第 22 条第 3 款规定的创造性。

☐权利要求_____不具备专利法第 22 条第 4 款规定的实用性。

☐权利要求_____属于专利法第 25 条规定的不予授予专利权范围。

☐权利要求_____不符合专利法第 26 条第 4 款的规定。

☒权利要求_____ 3, 4, 6 不符合专利法第 31 条第 1 款的规定。

☐权利要求_____不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐权利要求_____不符合专利法实施细则第 13 条第 1 款的规定。

☒权利要求_____ 1 不符合专利法实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐中请人应依照通知书正文部分提出的要求, 对申请文件进行修改。

☒中请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 中请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 中请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有1页, 并附有下列附件:

☒引用的对比文件的复印件共1份23页。

☐

审查9部

审查员吴晓达

审查部门业务专用章

(未加盖审查业务专用章的通知书不具备法律效力)